

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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In re

CITY OF DETROIT, MICHIGAN

Debtor.

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Chapter 9

Case No. 13-53846

Hon. Steven W. Rhodes

**OAKLAND COUNTY'S RESPONSE TO SUBPOENA FOR DEPOSITION FROM  
THE OFFICIAL COMMITTEE OF RETIREES**

Oakland County through its counsel, responds to the Subpoena for Deposition and Scope of Examination ("Scope") from The Official Committee of Retirees ("the Retirees") as follows:

**GENERAL OBJECTIONS**

The following objections are stated as to all demands, whether or not specifically restated in response to any particular Scope.

1. Oakland County objects to the Scope to the extent that the definitions or instructions set forth therein seek to impose requirements beyond those contained in the Federal Rules of Civil Procedure, the Federal Rules of Bankruptcy Procedure or the Local Rules for the United States Bankruptcy Court for the Eastern District of Michigan.

2. Oakland County objects to the Scope to the extent that they seek information which is not relevant to the subject matter of this action in that it is neither admissible in evidence nor reasonably calculated to lead to the discovery of admissible evidence related to a claim or defense in this action.

3. Oakland County objects to the Scope to the extent that they seek information protected from disclosure by the attorney-client privilege, the work-product doctrine, the joint defense privilege, accountant-client privilege, the common interest doctrine, or other any applicable privilege. 4. Oakland County objects to the Scope to the extent that they are oppressive, overly broad, unduly burdensome, would involve

unreasonable financial expense to Oakland County, and/or seek confidential information. Oakland County will produce confidential documents only after a suitable protective order is in place.

5. Oakland County objects to the Scope to the extent they seek the production of information and documents which are not within its possession, custody, or control.

6. Oakland County objects to the Requests to the extent that they are vague, ambiguous, or fail to describe the information or documents sought with sufficient particularity to allow for a meaningful response.

7. Oakland County objects to the Requests to the extent that they are unduly burdensome, compound, and/or duplicative.

8. Oakland County objects to the Requests to the extent that they purport to seek documents that are a matter of public record and/or documents that are otherwise equally accessible.

9. Oakland County objects to the Requests to the extent that they call for organization of documents according to the request. Oakland County will produce discoverable documents as they are kept in the ordinary course of business.

10. Oakland County states these objections without waiving or intending to waive, but on the contrary preserving and intending to preserve: (a) all objections to the competency, relevancy, materiality, privilege, and admissibility as evidence for any purpose of the responses to the Requests or the subject matter thereof, in any subsequent proceeding in, or the trial of, this or any other action; (b) the right to object on any grounds to the use of any response, or the subject matter thereof, in any subsequent proceeding in, or the trial of, this or any other action; (c) the right to object on any grounds at any time to a demand for further response to these or any other discovery procedures involving or related to the subject matter of the Requests; and (d) the right to object on any grounds to any other or future discovery requests.

11. By responding to any Discovery Request, Oakland County does not admit the relevance or admissibility of the information and/or documents provided.

12. Oakland County objects to the Requests on the grounds that they seek an examination by The Official Committee of Retirees as to matters that preliminarily resolved thus rendering the Requests moot.

## **SCOPE OF EXAMINATION**

### **TOPIC:**

1. The County's evaluation of the GLWA or any other actual or potential transaction involving the formation of a regional "authority" as described in M.C.L. § 124.282 to take over operation of water and sewer service from the DWSD.

### **RESPONSE:**

Oakland County objects to Topic No. 1 on the grounds that it seeks information which is not relevant to the subject matter of this action in that it is neither admissible in evidence nor reasonably calculated to lead to the discovery of admissible evidence related to a claim or defense in this action. Oakland County further objects to Topic No. 1 on the grounds that it is overbroad, unduly burdensome and seeks information that is protected from disclosure by the attorney-client privilege, the work-product doctrine, the joint defense privilege and/or the common interest doctrine. Subject to that and the General Objections, Oakland will produce a representative for examination at an appropriate time.

### **TOPIC:**

2. The terms or negotiation of any actual or potential transaction between the County and the City concerning the creation of a regional authority to take over water and sewer service from the DWSD, including but not limited to (a) draft leases and term sheets exchanged between the County and City and (b) any draft or final memorandums of understanding exchanged between the County and City.

### **RESPONSE:**

Oakland County objects to Topic No. 2 on the grounds that it seeks information which is not relevant to the subject matter of this action in that it is neither admissible in evidence nor reasonably calculated to lead to the discovery of admissible evidence related to a claim or defense in this action. Oakland County further objects to Topic No. 2 on the grounds that it is overbroad, unduly burdensome and seeks information that is protected from disclosure by the attorney-client privilege, the work-product doctrine, the joint defense privilege and/or the common interest doctrine. Subject to that and the General Objections, Oakland will produce a representative for examination at an appropriate time.

**TOPIC:**

3. All communications between the County and the City or the State regarding a potential transaction relating to the DWSD, including but not limited to the County's requests for financial due diligence as well as data regarding the amount of pension liabilities.

**RESPONSE:**

Oakland County objects to Topic No. 3 on the grounds that it seeks information which is not relevant to the subject matter of this action in that it is neither admissible in evidence nor reasonably calculated to lead to the discovery of admissible evidence related to a claim or defense in this action. Oakland County further objects to Topic No. 1 on the grounds that it is overbroad, unduly burdensome and seeks information that is protected from disclosure by the attorney-client privilege, the work-product doctrine, the joint defense privilege and/or the common interest doctrine. Subject to that and the General Objections, Oakland will produce a representative for examination at an appropriate time.

**TOPIC:**

4. The County's analysis of the City's Amended Plan and Amended Disclosure Statement.

**RESPONSE:**

Oakland County objects to Topic No. 4 on the grounds that it seeks information which is not relevant to the subject matter of this action in that it is neither admissible in evidence nor reasonably calculated to lead to the discovery of admissible evidence related to a claim or defense in this action. Oakland County further objects to Topic No. 4 on the grounds that it is overbroad, unduly burdensome and seeks information that is protected from disclosure by the attorney-client privilege, the work-product doctrine, the joint defense privilege and/or the common interest doctrine. Subject to that and the General Objections, Oakland will produce a representative for examination at an appropriate time.

**TOPIC:**

5. The County's analysis of the condition of the retail system of the DWSD.

**RESPONSE:**

Oakland County objects to Topic No. 5 on the grounds that it seeks information

which is not relevant to the subject matter of this action in that it is neither admissible in evidence nor reasonably calculated to lead to the discovery of admissible evidence related to a claim or defense in this action. Oakland County further objects to Topic No. 5 on the grounds that it is overbroad, unduly burdensome and seeks information that is protected from disclosure by the attorney-client privilege, the work-product doctrine, the joint defense privilege and/or the common interest doctrine. Subject to that and the General Objections, Oakland will produce a representative for examination at an appropriate time.

**TOPIC:**

6. All communications between the County and the City relating to information necessary for the County to complete a transaction to form a regional authority to assume operating control of the DWSD.

**RESPONSE:**

Oakland County objects to Topic No. 6 on the grounds that it seeks information which is not relevant to the subject matter of this action in that it is neither admissible in evidence nor reasonably calculated to lead to the discovery of admissible evidence related to a claim or defense in this action. Oakland County further objects to Topic No. 6 on the grounds that it is overbroad, unduly burdensome and seeks information that is protected from disclosure by the attorney-client privilege, the work-product doctrine, the joint defense privilege and/or the common interest doctrine. Subject to that and the General Objections, Oakland will produce a representative for examination at an appropriate time.

**TOPIC:**

7. The County's analysis of projected savings of the resulting from operation of the DWSD by a regional authority.

**RESPONSE:**

Oakland County objects to Topic No. 7 on the grounds that it seeks information which is not relevant to the subject matter of this action in that it is neither admissible in evidence nor reasonably calculated to lead to the discovery of admissible evidence related to a claim or defense in this action. Oakland County further objects to Topic No. 7 on the grounds that it is overbroad, unduly burdensome and seeks information that is protected from disclosure by the attorney-client privilege, the work-product doctrine, the joint defense privilege and/or the common interest doctrine. Subject to that and the General Objections, Oakland will produce a representative for examination at an appropriate time.

**TOPIC:**

8. The County's analysis or projections of the DWSD's deferred capital expenditures, operating expenses, revenues and/or rates at any time after 2013.

**RESPONSE:**

Oakland County objects to Topic No. 8 on the grounds that it seeks information which is not relevant to the subject matter of this action in that it is neither admissible in evidence nor reasonably calculated to lead to the discovery of admissible evidence related to a claim or defense in this action. Oakland County further objects to Topic No. 8 on the grounds that it is overbroad, unduly burdensome and seeks information that is protected from disclosure by the attorney-client privilege, the work-product doctrine, the joint defense privilege and/or the common interest doctrine. Subject to that and the General Objections, Oakland will produce a representative for examination at an appropriate time.

**TOPIC:**

9. All communications between the County and City relating to the payment or treatment of OPEB liabilities as part of any proposed transaction to form a regional authority to assume operating control of the DWSD.

**RESPONSE:**

Oakland County objects to Topic No. 9 on the grounds that it seeks information which is not relevant to the subject matter of this action in that it is neither admissible in evidence nor reasonably calculated to lead to the discovery of admissible evidence related to a claim or defense in this action. Oakland County further objects to Topic No. 9 on the grounds that it is overbroad, unduly burdensome and seeks information that is protected from disclosure by the attorney-client privilege, the work-product doctrine, the joint defense privilege and/or the common interest doctrine. Subject to that and the General Objections, Oakland will produce a representative for examination at an appropriate time.

**TOPIC:**

10. The County's analysis of projected bond ratings of a new authority formed to operate the DWSD.

**RESPONSE:**

Oakland County objects to Topic No. 10 on the grounds that it seeks information which is not relevant to the subject matter of this action in that it is neither admissible in evidence nor reasonably calculated to lead to the discovery of admissible evidence related to a claim or defense in this action. Oakland County further objects to Topic No. 10 on the grounds that it is overbroad, unduly burdensome and seeks information that is protected from disclosure by the attorney-client privilege, the work-product doctrine, the joint defense privilege and/or the common interest doctrine. Subject to that and the General Objections, Oakland will produce a representative for examination at an appropriate time.

**TOPIC:**

11. Any actual or potential transactions between the County and any water or sewer service providing entity other than the City and the DWSD.

**RESPONSE:**

Oakland County objects to Topic No. 11 on the grounds that it seeks information which is not relevant to the subject matter of this action in that it is neither admissible in evidence nor reasonably calculated to lead to the discovery of admissible evidence related to a claim or defense in this action. Oakland County further objects to Topic No. 11 on the grounds that it is overbroad, unduly burdensome and seeks information that is protected from disclosure by the attorney-client privilege, the work-product doctrine, the joint defense privilege and/or the common interest doctrine. Subject to that and the General Objections, Oakland will produce a representative for examination at an appropriate time.

Respectfully submitted,

**CARSON FISCHER, P.L.C.**

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*Co-counsel for Oakland County, Michigan*

Date: May 6, 2014



## **CERTIFICATE OF SERVICE**

I certify that on May 6, 2014, I electronically filed Oakland County's Response to Subpoena for Deposition from The Official Committee of Retirees with the Clerk of the Court using the ECF system which will send notification of such filing to all counsel of record.

### **YOUNG & ASSOCIATES**

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